UNITED STATES DISTRICT COURT MIDDLE DISTRICT OF TENNESSEE NASHVILLE DIVISION

RUBYN MARTIN,)	
)	
Plaintiff,)	
)	Case No. 3:07-1103
v.)	Judge Echols
)	
THE METROPOLITAN)	
GOVERNMENT OF NASHVILLE)	
AND DAVIDSON COUNTY, et al.,)	
)	
Defendants.)	

ORDER

This is a civil rights action which was originally filed by <u>pro se</u> Plaintiff in the Davidson County Circuit Court, but removed to this Court by Defendants because, in addition to alleging negligence under state law, Plaintiff asserted violations of 42 U.S.C. § 1983. The Magistrate Judge entered a Report and Recommendation ("R & R") (Docket Entry No. 29) on December 16, 2008, recommending that: (1) the action be dismissed without prejudice as to Defendant Jerry Bell because Plaintiff failed to effect service on him within 120 days as required by Rule 4(m) of the Federal Rules of Civil Procedure; (2) the Motion for Summary Judgment filed by Defendants Metropolitan Government and Willie Snydor (Docket Entry No. 10) be granted and Plaintiff's claims brought under 42 U.S.C. § 1983 be dismissed; and (3) the Court decline to exercise supplemental jurisdiction over Plaintiff's state law claims and remand the same to state court. Plaintiff has filed no objection to the R & R, even though he was informed in the R & R that any objection needed to be filed within ten days of receipt of the R & R. (Id. at 12).

Where no objections are made to the R & R, "[t]he district judge may accept, reject, or

modify the recommended decision, receive further evidence, or recommit the matter to the

magistrate judge with instructions." Fed.R.Civ.P. 72(b). In this case, after reviewing the entire

record, the Court finds that the Magistrate Judge was correct in each of her determinations.

Accordingly, the Court rules as follows:

(1) the R & R (Docket Entry No. 29) is hereby ACCEPTED and APPROVED;

(2) Defendant Jerry Bell is hereby DISMISSED WITHOUT PREJUDICE because he was

not served with process;

(3) The Motion for Summary Judgment filed by Defendants Metropolitan Government and

Willie Snydor (Docket Entry No. 10) is hereby GRANTED with respect to Plaintiff's claims brought

under 42 U.S.C. § 1983 and those claims are hereby DISMISSED WITH PREJUDICE; and

(4) The Court hereby DECLINES to exercise supplemental jurisdiction over Plaintiff's state

law claims pursuant to 28 U.S.C. 1367(c), and those claims are hereby REMANDED to the Circuit

Court for Davidson County.

Entry of this Order on the docket shall constitute entry of a final judgment in accordance

with Federal Rules of Civil Procedure 58 and 79(a).

It is so ORDERED.

ROBERT L. ECHOLS

UNITED STATES DISTRICT JUDGE